IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No. 980 of 2007
Date of Decision: 23.2.2007

Swaran Singh ...Petitioner

Versus

State of Punjab and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri I.S. Brar, Advocate, for the petitioner.

HEMANT GUPTA, J.

The plaintiff is in revision aggrieved against the order passed by the learned District Judge on 10.1.2007, whereby the appeal filed by the defendants against the order granting status-quo in respect of the joint property was accepted and the application for grant of ad-interim injunction, was dismissed.

One Fauja Singh, father of the parties, was owner of the suit land measuring 34 kanals. After the death of Fauja Singh, the plaintiff has filed the present suit for injunction claiming to be in exclusive possession of the property in dispute. It has been found by the learned first Appellate Court that the revenue record, at the time of death of Fauja Singh, records Fauja Singh in possession and therefore, after the death of Fauja Singh, his legal heirs would be deemed to be in possession of the suit property. It has been further found that there is no document to show that plaintiff is in exclusive possession of the suit property.

Learned counsel for the petitioner has vehemently

argued that in replication, the petitioner has pleaded family settlement, whereby Fauja Singh has given his entire estate to Baghel Singh, one of the sons of Fauja Singh, and subsequently, it is Baghel Singh, who has nominated son of the plaintiff as heir and, therefore, the plaintiff is entitled to ad-interim injunction.

However, I do not find any substance in the said argument of the learned counsel for the petitioner. The question whether Fauja Singh has nominated Baghel Singh or that Baghel Singh has nominated the son of the petitioner as his nominee, are subject matter of evidence. However, at this stage, there is nothing on record to show that the plaintiff is in exclusive possession of the suit property.

In view of the above, I do not find any patent illegality or irregularity in the impugned order passed by the learned first Appellate Court, which may warrant interference by this Court in exercise of its revisional jurisdiction.

Hence, the present revision petition is dismissed.

23-02-2007 (HEMANT GUPTA)
ds JUDGE